

Serial 16  
Serious Sex Offenders Amendment Bill 2021  
Ms Uibo

A Bill for an Act to amend the *Serious Sex Offenders Act 2013* and for related purposes



NORTHERN TERRITORY OF AUSTRALIA

SERIOUS SEX OFFENDERS AMENDMENT ACT 2021

---

Act No. [ ] of 2021

---

**Table of provisions**

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
<b>Part 2</b>	<b>Amendment of Serious Sex Offenders Act 2013</b>	
3	Act amended .....	1
4	Section 4 amended (Definitions).....	2
5	Section 11 amended (Expiry date for interim continuing detention order) .....	3
6	Section 19 amended (Optional requirements) .....	3
7	Section 46A inserted .....	3
	46A Application of section 123 <i>Police Administration Act 1978</i>	
8	Section 48 amended (Officer may apply for warrant or summons).....	3
9	Section 49 amended (Warrant or summons to appear before Supreme Court) .....	4
10	Section 50 amended (Warrant may be issued by telephone) .....	4
11	Section 79 amended (Medical assessment orders).....	4
12	Section 88 amended (Commissioner of Correctional Services to prepare report for Attorney-General) .....	4
13	Section 90 amended (Form and content of applications) .....	5
14	Section 91 amended (Respondent may file affidavits in response).....	5
15	Section 104 amended (Nature of appeal).....	5
16	Section 112 replaced .....	6
	112 Offence to disclose certain information	
	112A Authorised disclosures of information	
	112B Protection from liability	
17	Part 12 inserted .....	8
	Part 12 Transitional matters for Serious Sex Offenders Amendment Act 2021	
	114 Definitions	
	115 Application of section 22	
	116 Application of section 104	

---

	117	Supervision orders made before commencement	
18		Schedules 1 and 2 replaced .....	9
	Schedule 1	Serious sex offences	
	Schedule 2	Offences of a sexual nature	

**Part 3                      Amendment of Information Act 2002**

19	Act amended .....	13
20	Schedule 1 amended (Secrecy provisions) .....	14

**Part 4                      Repeal of Act**

21	Repeal of Act .....	14
----	---------------------	----



# NORTHERN TERRITORY OF AUSTRALIA

---

Act No. [ ] of 2021

---

An Act to amend the *Serious Sex Offenders Act 2013* and for related purposes

[Assented to [ ] 2021]  
[Introduced [ ] 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Serious Sex Offenders Amendment Act 2021*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Serious Sex Offenders Act 2013

### 3 Act amended

This Part amends the *Serious Sex Offenders Act 2013*.

---

**4 Section 4 amended (Definitions)**

- (1) Section 4, definition **offence of a sexual nature**, paragraph (b)(i)  
*omit*  
listed in Schedule 2;  
*insert*  
against a provision listed in Schedule 2, subject to any qualification specified opposite the provision;
- (2) Section 4, definition **offence of a sexual nature**, paragraph (b)(ii), after "an offence"  
*insert*  
against a provision
- (3) Section 4, definition **serious sex offence**, paragraph (a)  
*omit*  
listed in Schedule 1;  
*insert*  
against a provision listed in Schedule 1, subject to any qualification specified opposite the provision;
- (4) Section 4, definition **serious sex offence**, paragraph (b), after "an offence"  
*insert*  
against a provision
- (5) Section 4, at the end

*insert*

*Note for section 4*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

**5 Section 11 amended (Expiry date for interim continuing detention order)**

Section 11(3)

*omit*

4 months

*insert*

6 months

**6 Section 19 amended (Optional requirements)**

Section 19

*omit*

requirements

*insert*

requirement on the supervisee that

**7 Section 46A inserted**

After section 46, in Part 5, Division 1

*insert*

**46A Application of section 123 *Police Administration Act 1978***

To avoid doubt, section 123 of the *Police Administration Act 1978* applies in relation to an offence under section 46.

**8 Section 48 amended (Officer may apply for warrant or summons)**

Section 48(1)

*omit*

Local

*insert*

Supreme

**9 Section 49 amended (Warrant or summons to appear before Supreme Court)**

Section 49(1) and (2)

*omit (all references)*

Local

*insert*

Supreme

**10 Section 50 amended (Warrant may be issued by telephone)**

Section 50(b)

*omit*

Local

*insert*

Supreme

**11 Section 79 amended (Medical assessment orders)**

Section 79(5)(a)

*omit*

likelihood

*insert*

risk

**12 Section 88 amended (Commissioner of Correctional Services to prepare report for Attorney-General)**

(1) Section 88(2)(a)

*omit*

setting out the matters mentioned in

*insert*

in accordance with



(2) Section 88(3)

*omit, insert*

(3) The report:

- (a) must include the Commissioner's opinion as to whether, if a supervision order is made in relation to the person or the person's supervision order is continued in force, it would be reasonably practicable for the Commissioner to ensure that the person is appropriately managed and supervised as required under section 63; and
- (b) may include any requirements that, in the Commissioner's opinion, ought to be included in the order if it is made or continued in force; and
- (c) must include the grounds for the Commissioner's opinions under paragraphs (a) and (b).

**13 Section 90 amended (Form and content of applications)**

Section 90(2)

*omit*

2 business

*insert*

7 business

**14 Section 91 amended (Respondent may file affidavits in response)**

Section 91(2)

*omit, insert*

- (2) The affidavit must be filed and served within the time allowed by the Court or the Registrar of the Supreme Court.

**15 Section 104 amended (Nature of appeal)**

(1) Section 104(1)

*omit, insert*

- (1) The appeal is to be by way of rehearing and is not an appeal de novo.

(2) Section 104(2)

*omit*

However, the

*insert*

The

## **16 Section 112 replaced**

Section 112

*repeal, insert*

### **112 Offence to disclose certain information**

(1) A person commits an offence if:

(a) the person:

(i) obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; or

(ii) is given information under section 112A; and

(b) the information is confidential and the person is reckless in relation to that circumstance; and

(c) the person intentionally engages in conduct; and

(d) the conduct results in the disclosure of the information and the disclosure is not:

(i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or

(ii) to a person who is otherwise entitled to the information; or

(iii) authorised under section 112A; and

(e) the person is reckless in relation to the result and circumstance referred to in paragraph (d).

Maximum penalty: 200 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(a).
- (3) If the information referred to in subsection (1) relates to a person, it is a defence to a prosecution for an offence against that subsection if the person has consented to the disclosure of the information.

*Note for subsection (3)*

*In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).*

## **112A Authorised disclosures of information**

- (1) A person who obtains confidential information in the course of exercising a power or performing a function connected with the administration of this Act may disclose that confidential information to another person if the person believes on reasonable grounds the disclosure is necessary to:
  - (a) enable the other person to:
    - (i) facilitate the rehabilitation, care or treatment of a relevant person; or
    - (ii) make an assessment of the other person's capacity to facilitate the rehabilitation, care or treatment of a relevant person; or
  - (b) reduce the risk of a relevant person committing a serious sex offence or an offence of a sexual nature or engaging in any conduct that threatens the safety of any person; or
  - (c) lessen or prevent a serious threat to the life, health, safety or welfare of any person.
- (2) The Commissioner of Correctional Services must make guidelines in relation to the disclosure of information under this section to ensure that disclosures are limited to the greatest extent that is possible without interfering with the objects of this Act.
- (3) In this section:

***relevant person*** means a detainee, a supervisee or a person in relation to whom an application under section 23 has been made.

## **112B Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function by the person under this Act.

(2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

(3) In this section:

**exercise** of a power includes the purported exercise of the power.

**performance** of a function includes the purported performance of the function.

## **17 Part 12 inserted**

After section 113

*insert*

## **Part 12 Transitional matters for Serious Sex Offenders Amendment Act 2021**

### **114 Definitions**

In this Part:

**amending Act** means the *Serious Sex Offenders Amendment Act 2021*.

**commencement** means the commencement of section 3 of the amending Act.

### **115 Application of section 22**

To avoid doubt, for the purposes of section 22, it is immaterial when a serious sex offence, as defined after the commencement, was committed or when a person was charged or convicted of the offence.

### **116 Application of section 104**

Section 104, as in force after the commencement, applies in relation to an appeal made after the commencement.

### **117 Supervision orders made before commencement**

(1) On commencement, a requirement in an existing supervision order that a supervisee must not commit a serious sex offence or an offence of a sexual nature is taken to be a requirement that the supervisee must not commit a serious sex offence or an offence of a sexual nature as those terms are defined after the commencement.

(2) However, a supervisee does not contravene a requirement of the supervisee's existing supervision order if, before the commencement, the supervisee committed an offence that was not a serious sex offence or an offence of a sexual nature at the time the offence was committed.

(3) In this section:

***existing supervision order*** means a supervision order that was made before the commencement and is in force on or after the commencement.

## **18 Schedules 1 and 2 replaced**

Schedules 1 and 2

*repeal, insert*

### **Schedule 1 Serious sex offences**

section 4, definition ***serious sex offence***

#### **Criminal Code**

<b>Provision of Act</b>	<b>Qualification</b>
section 125B	If the person produces child abuse material
section 125E	
section 127	
section 128	
section 130	If the victim is under 16 years
section 131A	
section 132	
section 134	If the victim is under 18 years
section 186B	
section 192	
section 192B	

section 201

section 202B

section 202C

section 202D

---

***Sex Industry Act 2019***

---

**Provision of Act    Qualification**

---

section 12

section 13

section 14

---

***Criminal Code (Cth)***

---

**Provision of Act    Qualification**

---

section 271.4      If the first-mentioned person intends or is reckless as to whether the other person will be used to provide sexual services

section 271.7      If the first person intends or is reckless as to whether the other person will be used to provide sexual services

section 272.8

section 272.9

section 272.10

section 272.11

section 272.12

section 272.13

section 272.14

section 272.15

section 272.15A

---

section 272.18

section 272.19

section 273.6           If the person produces child abuse material

section 273.7

section 471.20        If the person produces child abuse material

section 471.22

section 471.24

section 471.25

section 471.25A

section 471.26

section 474.19       If the person transmits child pornography material

section 474.22       If the person transmits child abuse material

section 474.23       If the person produces child abuse material

section 474.24A

section 474.25A

section 474.25B

section 474.26

section 474.27

section 474.27AA

section 474.27A

---

---

## Schedule 2 Offences of a sexual nature

section 4, definition **offence of a sexual nature**, paragraph (b)

*Note for Schedule 2*

*Serious sex offences are also offences of a sexual nature (see section 4, definition **offence of a sexual nature**, paragraph (a)).*

---

### Criminal Code

---

Provision of Act	Qualification
section 125B	If the person possesses, distributes, sells or offers or advertises for distribution or sale child abuse material
section 130	If the victim is 16 years or more
section 131	
section 134	If the victim is 18 years or more
section 138	
section 176	If the offence intended to be committed or facilitated is a serious sex offence
section 188(2)(k)	
section 193	If the offence intended to be committed is a serious sex offence
section 213	If the offence intended to be committed is a serious sex offence

---

### Summary Offences Act 1923

---

Provision of Act	Qualification
section 47AC	Loitering by sexual offender

---



---



---

**Criminal Code (Cth)**


---

<b>Provision of Act</b>	<b>Qualification</b>
section 272.20	
section 273.6	If the person possesses or controls or distributes or obtains child abuse material
section 273A.1	
section 471.19	
section 471.20	If the person possesses or controls, or supplies or obtains child abuse material
section 474.22	If the person accesses child abuse material, causes child abuse material to be transmitted to himself or herself, makes available, publishes, distributes, advertises or promotes child abuse material, or solicits child abuse material
section 474.22A	
section 474.23	If the person possess or controls, or supplies or obtains child abuse material
section 474.23A	
section 474.25C	

---

**Customs Act 1901 (Cth)**


---

<b>Provision of Act</b>	<b>Qualification</b>
section 233BAB	If the tier 2 goods are items of child abuse material

---

**Part 3                      Amendment of Information Act 2002**
**19                      Act amended**

This Part amends the *Information Act 2002*.

**20 Schedule 1 amended (Secrecy provisions)**

Schedule 1

*insert (in alphabetical order)*

*Serious Sex Offenders Act 2013*

section 112

**Part 4 Repeal of Act**

**21 Repeal of Act**

This Act is repealed on the day after it commences.